

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JILL BABCOCK, MARGUERITE
MADDOX and ASHLEY JACOBSON, on
behalf of themselves and all others similarly
situated,

Plaintiffs,

v

STATE OF MICHIGAN, COUNTY OF
WAYNE, CITY OF DETROIT, WAYNE
COUNTY BUILDING AUTHORITY,
DETROIT BUILDING AUTHORITY AND
DETROIT-WAYNE JOINT BUILDING
AUTHORITY,

Defendants.

No. 2:22-cv-12951

HON. MARK A. GOLDSMITH

MAG. JONATHAN J.C. GREY

**DEFENDANT STATE OF
MICHIGAN'S EX PARTE
MOTION TO EXCEED PAGE
LIMIT FOR BRIEF IN
SUPPORT OF MOTION TO
DISMISS**

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**DEFENDANT STATE OF MICHIGAN'S EX PARTE MOTION TO
EXCEED PAGE LIMIT FOR BRIEF IN SUPPORT OF MOTION TO
DISMISS**

State Defendant, through counsel, requests this Court allow State Defendant to file its Motion to Dismiss Plaintiffs' amended complaint that exceeds the 25-page limit established by L.R. 7.1(d)(3), by an additional ten pages for the reasons stated herein:

1. Plaintiffs bring this purported class action against Defendant State of Michigan (State Defendant) involving twenty-six buildings or facilities located

throughout Michigan allegedly owned, leased, or operated by State Defendant. (ECF No. 41, ¶ 1, PageID.611; ¶¶ 27-36, PageID.618-629; ¶¶ 42-48, PageID.630-635; ¶¶ 52-56, PageID.636-639; ¶¶ 83-88, PageID.650-654; ¶¶ 92-145, PageID.660-701.)

2. There are three named Plaintiffs who each have different factual allegations that need to be addressed when analyzing whether they meet the elements of standing or have sufficiently alleged any denial of services by State Defendant.

3. Plaintiffs' 129-page April 28, 2023, First Amended Class Action Complaint (ECF No. 41)—which 83 pages more than Plaintiffs' December 16, 2022, 46-page Complaint (ECF No. 1)—alleges State Defendant violated at least eight various federal and state statutes and building codes.

4. Plaintiffs allege State Defendant violated two Federal statutes (Title II of the Americans with Disabilities Act (ADA) and the Federal Rehabilitation Act), four Michigan statutes (the Barrier Free Design Act; the Stille-Derossett-Hale Single State Construction Code Act; the Sidewalks: Persons With Disabilities Act, and the Persons With Disabilities Civil Rights Act), along with various international, state and local construction and building codes. (ECF No. 41. ¶¶ 5-224, PageID.612-732.)

5. To adequately address the many allegations within this complaint, State Defendant's present several bases for dismissal, including Plaintiffs' failure to sufficiently plead any viable claims, immunity, and standing—each of which require sufficient briefing so that this Court may make an informed and fair determination.

Accordingly, due to the number of Plaintiffs, number of statutes and buildings addressed in Plaintiffs' amended complaint, and various legal defenses, State Defendant requests to extend the brief page limit to 35 pages to adequately address all available defenses to Plaintiffs' claims.

Respectfully submitted,

s/ Cassandra Drysdale-Crown

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Dated: June 2, 2023

CERTIFICATE OF SERVICE

I hereby certify that on June 2, 2023, I electronically filed the above document(s) with the Clerk of the Court using the ECF System, which will provide electronic copies to counsel of record.

s/ Cassandra Drysdale-Crown

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Assistant Attorney General